# Case 1:03-cr-05066-AWI-BAM Document 5 Filed 08/20/13 Page 1 of 2

# UNITED STATES DISTRICT COURT FOR THE

## EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  Plaintiff,		) CASE NO. 1: 03 CR 05066 AWI BAM	
		) <u>DETENTION ORDER</u>	
	V.	) )	
ост	'AVIO GALLEGO-VASQUEZ,	) )	
	Defendant.	) ) )	
Α.	Order For Detention		
	After conducting a detention hearing pursuant the above-named defendant detained pursuant	to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders to 18 U.S.C. § 3142(e) and (i).	
В.	Statement Of Reasons For The Detention  The Court orders the defendant's detention bec  By a preponderance of the evidence the assure the appearance of the defendant	hat no condition or combination of conditions will reasonably	
	* *	no condition or combination of conditions will reasonably assure	
C.	Findings Of Fact The Court's findings are based on the evidence the Pretrial Services Report, and includes the form	which was presented in Court and that which was contained in collowing:	
	(1) Nature and circumstances of the offense ch  (a) The crime: Conspiracy to post carries a maximum penalty of life  (b) The offense is a crime of vio	ssess Heroin with the intent to distribute is a serious crime and <u>e</u> .	
	(c) The offense involves a narco	tic drug. amount of controlled substances, to wit: .	
	<ul><li>(3) The history and characteristics of the defen</li><li>(a) General Factors:</li></ul>	_	
	appear.  The defendant has no family ties The defendant has no steady emp	in the area.	
	The defendant has no substantial The defendant is not a long time The defendant does not have any	financial resources. resident of the community.	
	Past conduct of the defendant: us  The defendant has a history relation  The defendant has a history relation	se of other names. ing to drug abuse.	
	The defendant has a significant p	<del>-</del>	

### Case 1:03-cr-05066-AWI-BAM Document 5 Filed 08/20/13 Page 2 of 2

(b) Whether the defendant was on probation, parole, or release by a court:	
At the time of the current arrest, the defendant was on:	
Probation.	
Parole.	
Release pending trial, sentence, appeal or completion of sentence.	
(c) Other Factors:	
The defendant is an illegal alien and is subject to deportation.	
The defendant is a legal alien and will be subject to deportation if convicted.	
Other: .  (4) The nature and seriousness of the danger posed by the defendant's release are as follows: .	
The nature and seriousness of the danger posed by the defendant's release are as follows: .  Rebuttable Presumptions	
(5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied on the following rebuttable	
presumption(s) contained in 18 U.S.C. § 3142(e), which the court finds the defendant has not rebutted:	
$\underline{\checkmark}$ a. That no condition or combination of conditions will reasonably assure the appearance of the	
defendant as required and the safety of any other person and the community because the Court	
finds that the crime involves:	
(A) A crime of violence; or	
(B) An offense for which the maximum penalty is life imprisonment or death; or (C) A controlled substance violation which has a maximum penalty of 10 years or more;	
or	
(D) A felony after the defendant had been convicted of two or more prior offenses	
described in (A) through (C) above, and the defendant has a prior conviction of one of	
the crimes mentioned in (A) through (C) above which is less than five years old and	
which was committed while the defendant was on pretrial release.	
b. That no condition or combination of conditions will reasonably assure the appearance of the	
defendant as required and the safety of the community because the Court finds that there is	
probable cause to believe:  (A) That the defendant has committed a controlled substance violation which has a	
maximum penalty of 10 years or more.	
(B) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or	
carries a firearm during and in relation to any crime of violence, including a crime of	
violence, which provides for an enhanced punishment if committed by the use of a	
deadly or dangerous weapon or device).	
(C) That the defendant has committed an offense after April 30, 2003, involving a minor	
victim under sections 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A,	
2252(a)(1),  2252(a)(2),  2252(a)(3),  2252A(a)(1),  2252A(a)(2),  2252A(a)(3),	
2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of Title 18.	
Additional Directives	

#### D.

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

The defendant be afforded reasonable opportunity for private consultation with his counsel; and

That, on order of a court of the United States, or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated: August 16, 2013

U.S. Magistrate Judge